

## CITY OF MORGAN

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## FAX COVER SHEET

DATE: 10-29-96

NUMBER OF PAGES (including this page): 5

TO: Judy Albert

FAX NUMBER:

FROM: Harold Vandiver

## REMARKS:

Following: Court Order from Judge  
Green concerning Extended Telephone  
Service - Southwestern Bell's letter  
to Mr. Benson @ FCC.

CC 96-159  
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RECEIVED

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

JAN 29 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

UNITED STATES OF AMERICA,

Plaintiff,

v.

GTE CORPORATION,

Defendant.

Civil Action No. 83-1298-HHG

FILED

JAN 29 1997

CLERK, U.S. DISTRICT COURT  
DISTRICT OF COLUMBIAORDER

On consideration of GTE Corporation's Motion for an Order Authorizing Contel Of Texas, Inc. to Provide InterLATA, Flat-Rate, Non-Optional, Two-Way Extended Local Calling Service (ELCS) Between Its Morgan Exchange and the Meridian and Clifton Exchanges of Southwestern Bell Telephone Company and Central Telephone Company, Respectively, and Authorizing GTE Southwest Incorporated to Provide InterLATA, Flat-Rate, Non-Optional, Two-Way ELCS Between Its Blessing and Markham Exchanges and Between its Blessing Exchange and the Bay City Exchange of Southwestern Bell Telephone Company, filed December 22, 1994, it is hereby

ORDERED that GTE's Motion be, and it hereby is, granted; and it is further

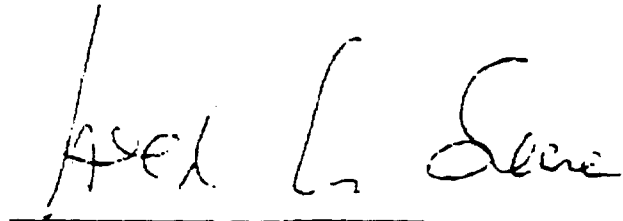
ORDERED that Contel of Texas, Inc. be permitted to provide InterLATA, flat-rate, non-optional, two-way ELCS between its Morgan Exchange and the Meridian and Clifton Exchanges of Southwestern Bell Telephone Company and Central Telephone Company, respectively; and it is further

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**ORDERED** that GTE Southwest Incorporated be permitted to provide InterLATA, flat-rate, non-optional, two-way ELCS between its Blessing and Markham Exchanges and between its Blessing Exchange and the Bay City Exchange of Southwestern Bell Telephone Company.

Dated: Jan. 19, 1995

A handwritten signature in cursive script, appearing to read "Harold H. Greene", written over a horizontal line.

**Harold H. Greene**  
**United States District Judge**



CV/ 8440

"The One to Call On".

April 10, 1996

Mr. B. Benison  
Federal Communications Commission  
Common Carrier Bureau  
Enforcement Division  
Consumer Protection Branch  
Stop Code 1600A2  
Washington, D.C. 20554

APR 17 1996

Dear Mr. Benison:

RE: City of Morgan  
IC 96-00962  
Notice of Informal Complaint  
dated March 13, 1996

This responds to the Notice of Informal Complaint of Mr. Harold E. Vandiver, Jr., on behalf of the City of Morgan, Texas. Mr. Vandiver's complaint involves Southwestern Bell Telephone Company's ("SWBT") provision of Extended Local Calling Service between the City of Morgan, Texas and the City of Meridian, Texas.

The Extended Local Calling Service in question was authorized by the Texas Public Utilities Commission and involves transportation of local calls across boundaries established in the Modified Final Judgment ("MFJ") in the AT&T Divestiture proceeding. These boundaries are known as LATAs and SWBT was prohibited by the MFJ from transporting traffic across these boundaries without a waiver from the District Court having jurisdiction over the proceeding.

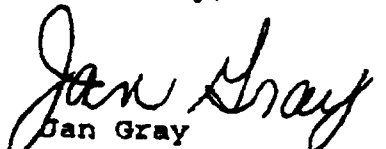
SWBT sought a waiver from the MFJ Court in order to provide the service, however, no action was taken by the Court on this request. Since the filing of that waiver request, Congress passed the 1996 Telecommunications Act ("ACT") which essentially eliminates the jurisdiction of the MFJ Court and places responsibility for compliance with LATA boundary restrictions in the hands of the Federal Communications Commission ("FCC").

Mr. Benson  
Page 2  
April 10, 1996

The Act contains a provision, Section 271, which states that all traffic across LATA boundaries is interLATA traffic. Both LATAs are located in the State of Texas, part of SWBT's in-region operating territory. The Act prohibits SWBT from providing interLATA services in-region until the State and the FCC certify that SWBT has complied with "competitive checklist" requirements. SWBT is, therefore, unable to provide the Extended Local Calling Service at this time. SWBT has notified the FCC of the above-described problem and has asked for guidelines. (See attached letter to Ms. Regina Keeney dated March 22, 1996). SWBT is currently awaiting the FCC's response.

We trust this provides the information you require and resolves the matter as to SWBT.

Sincerely,

  
Jan Gray  
Executive Assistant

CC: City of Morgan  
Honorable Chet Edwards ✓

Attachment